

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Woods US Patent No. 6,957,483.

3. In regard to claim 1, Woods discloses a method for fastening a rivet (64) on a workpiece with a rivet tool (120) wherein after the hole (68) has been punched, the workpiece (98) is fed to a first follow-on tool (130) aligned with a discharge channel (140) which is arranged in the first follow-on tool below the workpiece (98) whose diameter is as at least as large as the rivet nut and a second follow-on tool (28) designed as a riveting tool (column 7, lines 7-8, column 5, lines 1-60).

4. In regard to claim 2, Woods discloses a method wherein the rivet nut (64) in the first follow-on tool (130) is pressed into the hole (68) by the section (100) to be riveted (column 7, lines 7-8).

5. In regard to claim 5, a device for fastening a rivet (64) on a workpiece with a rivet tool (120) wherein after the hole (68) has been punched, the workpiece (98) is fed to a first follow-on tool (56) aligned with a discharge channel (140) which is arranged in

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the first follow-on tool below the workpiece (98) whose diameter is as at least as large as the rivet nut and a second follow-on tool (28) designed as a riveting tool and the riveting tool is a second follow-on tool (28) is separate from the punching tool (22) (column 7, lines 7-8, column 5, lines 1-60).

6. In regard to claim 6, Woods discloses a device wherein the first follow-on tool (130) includes a punch (22) by means of which the riveting tool (120) can be pressed into the hole (68) by the section (100) to be riveted (column 7, lines 7-8).

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 3, 4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods US Patent Application Publication No. 20040181937 in view of Oaks US Patent No. 3,921,276.

10. Woods does not disclose a bead stamped in the workpiece at the location of the hole to be produced or a combination punch and stamping tool.

11. In regard to claim 3, Oaks teaches a bead (51) stamped at the location of the hole to be produced (column 3, lines 8-12).

12. In regard to claim 4, Oaks teaches a stamping operation for fastening the rivet nut as the first operation (column 3, lines 5-14).

13. In regard to claim 7, Oaks teaches a device that includes a stamping tool (26) for stamping a bead (51) at the location of the hole to be produced (column 3, lines 5-12).

14. In regard to claim 8, Oaks teaches a device wherein the stamping tool (26) and the punching tool (32) are arranged in a combination tool (column 3, lines 62-65).

15. It would have been obvious to one skilled in the art to provide the device of Woods with combination tool that stamps a hole before forming because creating a hole prior to inserting the rivet ensures a better press fit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Jennings whose telephone number is (571) 270-7392. The examiner can normally be reached on Monday-Thursday, 7 am - 5:30 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725

/S. J./
Examiner, Art Unit 3725
April 8, 2010